ALC: NUMBER OF STREET المالالالا JUKY WW -KEI NUMBER MO. DAY YEAR 23 OTHER NUMBER DEM. NUMBER YR. 1085/4 76 0416-B 08 1 31 8509 P 76 0416-B/= 8508 DEFENDANTS PLAINTIFFS SKYMART AVIATION, INC., MID-STATES AIRCRAFT ENGINES, INC. a Montana Corporation an Oklahoma Corporation, and AIR-KARE CORPORATION, an Oklahoma Corporation NATIONAL AVIATION UNDERWRITERS, a foreign insurance company, additional party pltf.

CAUSE

Action on negligence that resulted in property damage and involved a bailment, and brought pursuant to 28 U.S.C. 1332.

Gerald P. Green
D. C. Johnson, Jr. & Gary M. Chubbuck
Pierce Couch Hendrickson & Short
3200 Liberty Tower
Oklahoma City, Ok. 73102
405/235-1611

R. Dow Bonne M. Donald G. Hopkins

Paul McBride (both defts)

Rucker Tabor, McBride

& Hopkins, Inc. No. 18 Const. Keng, Auc.
P. Box 1439 / Soa & Early Auc.

Trusa, Okla. 74101

R. Dow Bonnell

McBride, Bell & Bonnell, Inc.

5555 South Peeria - 4111 5. Darlington

Tulsa, OK 7410535

918/744-7868

DC-111 (Rev. 1/7)

MITED STATES DISTRICT COURT DOCKET

BARROW

Programme .		BARROW
DATE 1976	NR.	PROCEEDINGS
8-5	1	Complaint, filed. Summons issued. g <u>JURY TRIAL DEMANDED.</u>
8-11		Return on U.S. Marshal's Service, Summons, fld. Served Air-Kare by serving G. Waide Sibley in Claremore, OK, on 8-9-76 w/fees of \$10.20. Served Mid-States Aircraft Engines, Inc. by serving Louis Stallings in Tulsa, OK, on 8-9-76 w/fees of \$3.00. v
9-20	2.	Pltf's appl. for Clerk to enter default judgment against defts., fld.k
9-20	3.	Affidavit of D. C. Johnston, Jr., filed.k
9-23	4.	Entry of default judgment by the USDC Court Clerk for the Northern District of Oklahoma, filed & entered, in favor of the pltf. and against the deft. Mid-States Aircraft Engines, Inc. and Air-Kare Corp. in the amt. of \$29,900.00 plus costs. (JCS-Clk)k cpy mld
10-15 10-15 10-18	5. MO	Defts' mot. to vacate default judgment, filed.s Brief in support of defts' mot. to vacate default judgment, filed.s It is ordered by the Court that the Pltf. file a responsive brief within ten (10) days to defts' mot. to vacate default judgment.s (AEB-J) cps. mld.
10-21	МО	The Court has for consideration a letter from pltf. counsel requesting 10 days to respond to defts' mot. to vacate default judgment from the date said mot. is received by pltf. and being fully advised in the premises finds that such request should be granted. It is ordered that the Clerk forward to the pltf. a copy of defts' mot. & brief & pltf. is directed to file a responsive brief w/in 13 days of this date to said motion. (AEB-J)k cps mld
10-29	7.	Brief in response to deft's motion to set aside default judgment, filed. 1m
12-9	8.	Order, filed & entered, sustaining defts' mot. to vacate default judgment upon tender by defts. to pltf. of sum of \$750.00. (AEB-J)k cps mld
<u> 1977</u>		
1-26	9.	Deft. Mid-States Aircraft Engines, Inc. and Air-Kare Corp's tender the sum of \$750.00 as provided by Order of this Ct. dated 12-9-76, filed.s
1-27	10.	Defts' application for permission to file ans., filed.s 0 to J
2-16 2-16 2-16 2-16 2-16 2-16 2-16	11 12 13 14 15 16 17	Affidavit of Doanld L. Parish, filed. ho Affidavit of Robert E. Cunningham, filed. ho Affidavit of Mike Miller, filed. ho Affidavit of Bruce Olsen, filed. ho Deft. interrogs., filedbyAir-Kare corp. and Demand for production and
		copying of documents, by pltf. ho
3-17	18	Pltf's appl. & Order, filed, granting pltf. til 4-17-77 to ans. first
3-18	19	interrogatories of deft. Air-Kare. (AEB-J)k cps mld Defts' response to appl. for additional time to answer or object to interrog. fld. ho
4-1	МО	Parties are directed to hold a PT conference on or before 6-10-77
		and to file an agreed PT Order on or before 6-17-77. (AEB-J)k cps mld
ė.		

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF				
			DOCKET NO.	and a second supplies and a second se
			PAGE OF	_ PAGES
P 1 3577	NR.	PROCEEDINGS		
4-26	20	Pltf. appl. for enlargement of time in which to a to interrog. fld. O to J. ho Open to Appl. 140	nswer or ob;	ject
4-26	21	Pltf. appl. for continuance. fld. 0 to J. ho		
4-27	MO MO	The Court has for consideration the appl. for 30 da answer or object to interrogs. of deft. Air-Kare, t by opposing counsel, and the Court being fully advifinds that said appl. should be granted and pltf. g to answer interrogs. of deft. Air-Kare Corp. IT IS The Court has for consideration the appl. for Order trial filed by pltf., wherein, pltf seeks an ext of pre-trial order, and there being no objections and	here being n sed in the p ranted til 5 SO ORDERED. continuing 90 days to	o obj. premise 5-17-77 (AEB-J pre- file
5 - 17	22	of counsel for defts., IT IS ORDERED that the partiuntil 9-8-77 to file PT Order. NO FURTHER EXTENSIO (AEB-J)k cps mld Pltf. first set of interrog. fld. ho	es are grant	ed
5-17	23	Pltf. responses to Defts. interrog. fld. ho	_	
5 - 20 5 - 20	24 25	Defts. mot. to compel ans. to interrog. fld. ho O Defts. brief in supp. of mot. to compel ans. to interrog.		ho
5-20	MÓ	It is ordered by the Ct. that the Pltf. file a resp	onsive brie	f w/in
5-24	26	10 days to Defts. mot. to compel ans. to interrog. Defts. appl to withdraw mot. to compel ans. to inte		
5-24 5-24	27	Defts. mot. for leave to add additional parties Plt Defts. brief in supp. of mot. for leave to add addi	f. fld. ho (to J.
5-24	MO	fld. ho It is ordered by the Ct. that the Pltf. file a responded to Defts. mot. for leave to add additional (AEB-J) cps mld. ho		
5-26	29	Order, fld. that the appl. of the Defts. to w/draw to interrog. is granted. (AEB-J) cps mld. ho	mot. to comp	oel ans
6-20	30	Defts. appl. for ext. of time to ans. interrog. fld	. ho 0 to J.	
6-22	MO	The Court has for consideration the defts' mot. for additional parties pltf., and the pltf. having been to respond to said mot., and, having failed to do sthat the defts' mot. for leave to add additional pathe same is hereby granted. (AEB-J)k cps mld	ordered on so, it is ordered	5-24- dered
6-23	31	Order, filed, granting defts. 20 days within which to pltf's interrogs. (AEB-J)k cps mld	to file ans	wers
7-18	32.	<u>+</u>	_	
8-26	MO:	Case set for disposition for failure of deft. Mid-States Airc to pltf's interrogatories, on 9-8-77, at 10:00 A.M. (AEB-J)b		answers
8-30	MO:	It is Ordered by the Court that case is stricken from dispos 9-8-77, having been inadvertently set. (AEB-J)b 1tr mld		
9-8	33	Pltf. appl. for continuance of PT. fld. ho 0 to J.	-77 to gompl	** *** + h
9-9	34	Order, granting pltf. an ext. of 90 days from 9-8 PT requirements, fld. (AEB-J) ra copies mld to m	ovant	y with
1978 1-13	MO	Case set for disposition on 2-1-78 at 10:00 a.m. fe		of
		parties to file pre-trial order. (AEB-J)k cps b		_
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	re reverence and			

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT				٦
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DATE	NR.	PROGETERINGS	PAGE	OF	PAGES	_
DATE 1978	IND.	PROCEEDINGS			~	
1-31	MO:	IT IS ORDERED that this case is stricken from the dispositio for 2-1-78. IT IS FURTHER ORDERED that the parties submit an order within 30 days from 1-31-78. NO FURTHER EXTENSIONS WIL (AEB-J)b nts by phone & 1tr.	agreed	pretri	a1	
3-23	MO		SO OR	DERED.		,
4-10 4-17	35	Defts' notice to National Aviation Underwriters of ditional party pltf., filed.k Ret. of USM service of not. of order adding additi	onal p	arty P	- ltf	
		fld. served Gerald Grimes, State Ins. Comm. on 4-1 (USM \$4.72)ho	1-78 i	n OKC.		
6-1	36	Pltf's proposed pre-trial order, filed.k				
6-2 6-5	MO 37		der M- ps mld		nd T.	
6-22	MO:	Defts. proposed PTO, fld. ho Case set for hearing before Mag. Rizley for pretrial conferent 10:30 A.M. (RSR-Mag) b nts by KT	nce on 7	-5-78,	at	
7–5–		Case called for pretrial conference. Parties pres. Pretrail of Parties given 10 days to complete & file pretrial order. Deft days w/in which to file motion for S/J. (RSR-Mag) b	onferend . was gi	ce held canted	10	
7-17	38	Pltfs' proposed pre-trial order, filed.k				
7-17	39	Defts' proposed pre-trial order, filed.k				
7-17	40	Deft. Mid-States Aircraft Engines' motion for parts	ial S/J	, fil	ed.k	
7-17	41	Brief in support of deft. Mid-States' mot. for paraffidavits of Bruce Olsen and Mike Miller, filed.k	tial S/	J wit	h	-
7-17	42	Deft. Air-Kare Corp.'s motion for S/J, filed.k				
7-17	43	Brief in support of deft. Air-Kare Corp.'s mot. for davits of Bruce Olsen, Donald Parish and Robert E.				
7-17	MO	Pltf. is ordered to file a responsive brief w/in longitude motions for S/J. (AEB-J)k cps mld) days	to de	fts'	
7-25	44	Pltfs. appl. for ext. of time to file response to I partial S/J. fld. ho O to J.	Defts.	mot.	for	
7-27	45	Order, fld. granting Pltfs. an ext. of time until & their response to the mot. for parital S/J & mot. (AEB-J)ho c/m to movant.	8-6-78 For S/J	to fi	le efts.	
8-7 8-7	46 47	Pltfs. response to Deft. Mid-States mot. for parti Pltfs. response to Deft. Air-Kare Corp. mot. for S	al S/J /J. flo	. fld. d. ho	ho	
8-11	48	Order, filed & entered, that deft. Mid-States' motis sustained and said deft. is dismissed from this cps mld	for p	artia		J)
8-11	MO	Case referred to Mag. Robert Rizley pursuant to Ord	ler M-1	28. (2	AEB-J)	k
8-17		Deposition of Robert E. McClure, taken before Jean	ette W:	ieseha	n, CSI	

PLAINTIFF			DEFENDANT	
Skymart	Avia	ation, Inc.	Mid-States Aircraft, et al	DOCKET NO.
				PAGE OF PAGE
DATE 1978	NR.		PROCEEDINGS	e en come and discussive secretaria, una bando en en entre se e
9-1	49	Deft. Air-Kare's a	ppl. for the setting of a pre-	trial conf., filed
9-5		Order, filed, setti 10-2-78 at 9:30 a.m	ng case for pre-trial conf. be	efore Mag. Rizley o
9-6	51.	Deft's reply to plt	f's response to deft. Air-Kare	e's mot. for S/J, f
9-6	52.	Deft. Air-Kare's pr	coposed pre-trial order, filed.	k
9-20	MO		pefore the Mag. on deft. Air-Kareset on 10-2-78 at 2:00 p.m.	
10-2	Min	Parties represented	g. before the Mag. on deft. Air d. Mot. taken under advisement dision on deft. Air-Kare's mot.	t. Pre-trial conf.
10 - 5 10-5	53 54	Deft. Air-Kare Corp Deft. Air-Kare thin	o. second set of interrog. to rd set of interrog. to Pltf. N	Pltf. Skymart. fld atl. Aviation, fld
10-11	55	Deft. Air-Kare sup	plemental brief, fld. ho	
10-12	МО	Mag. recommends tha to prepare F&R and	t deft's mot. for S/J be over: proposed Order w/in 10 days.	ruled. Pltf. couns (RSR-Mag)k ntc by
10-23	56		ndations of the Mag., filed. J be overruled. (RSR-Mag)k	Mag. recommends th
10-27 10-27	57 MO	It is ordered that	ef from ruling of the Mag. fld the Pltfs. file a responsive ppeal from ruling of the Mag.	brief on or before
11-6	58	Pltf. Skymart Avia	tion, Inc.'s answers to 2nd se	t of interrogs., f
11-6	59	Pltf. Natl. Aviation filed.k	on Underwriters' answers to th	ird set of interro
11-9	60	Pltfs' response to	deft's appeal from ruling of	the Mag., filed.k
<u>11-9</u> 1979	61	Pltfs' supplementa	al brief in response to deft's	mot. for S/J, fld.
1-31	62		deft's mot. for S/J is overrage. is overruled. (AEB-J)k	uled & deft's appea
2/7	63.		settle pretrial order, fld.	
3-16-79 4-2	MO:		o Judge Fred Daugherty (JCS-CInf. for Thurs., 4/19/79 at 10:	
4-19		Pretrial conf. hel to settle pt stri and same granted. and bailment with	d. Counsel present. Statements cken by agree. Parties make or Pltf. to file brief on 'act cin 10 days; deft. 10 days ther PTO in 10 days. (FD-J) rm	s made. Pending mot ral demand for jury of God', 'risk assu

DEFENDANT

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF

	Si		T AVIATION, INC. ET AL.	AIR-KARE CORP.	DOCKET NO. 76-C-416-D Sheet 3, Page 6		
	DATE 79	NR.	A Control of the Cont	PROCEEDINGS	AND COMMON TO SEE THE COMMON COMMON AND COMMON AND AND AND AND AND AND AND AND AND AN		
	4/27	ltr.	conference order a	ver from R. Dow Bonnell w/copy of ttached, filed. Attorney Bonnel of evidencing his proposals. v	of a pretrial I wanted this		
	4-30 4-30	64 65	Brief & Authorities Deft's Requested in	of Deft.,fld. b structions, fld.b			
	5-2	66	Deft. proposed pret	rial conf. order, fld. ho			
	5-7 5-7	67 68	Pltfs. proposed PT Pltfs. supplemental	conf. order, fld. ho PTO, fld. ho			
	5-15	69	NOTICE by pltf. of in Montana. rm	taking deposition of Franke Felk	e on 5/21/79,		
	5-18	70	SUPPLEMENTAL PT BRI	EF by Pltf. ho			
	5-18	71	RESPONSE BRIEF, of	Pltf. ho			
	5-29	de la composition de la constantista de la constant					
5-29 NO ORDER, Pltf. is ordered to file a responsive brief by 6-13-79 to Deft. mot. to compel ans. to interrog. (FD-J)ho c/m							
	6/4 73. MOTION & BRIEF to strike Pltf.'s suppl. pretrial brief. v						
	DEPO. of Frank Fleke on behalf of Pltfs. taken at Billings, Montana, on 5-21-79, by Joe S. Smith, CSR. ho						
	ORDER, Pltfs. are ordered to file a responsive brief to Deft. mot. to strike Pltfs. suppl. PT brief, by 6-19-79. (FD-J)ho c/m						
	6-6 74 RESPONSE of Pltf. to Defts. mot. to compel ans. to interrog. ho						
	6-6	75	BRIEF of Pltfs. in s to interrog. ho	supp. of response to Defts. mot.	to compel ans.		
	6-13	76	APPLICATION of Pltf: Defts. mot. to	s. for ext. of time to file resp strike Pltfs. suppl. PT brief. h	onsive brief to		
	6-13	77	ORDER, granting Plt: brief in respons Brief. (FD-J)ho	fs. an ext. of time until 6-23-7 se to Defts. mot. to strike Pltf c/m to movant.	9 to file their s. suppl. PT		
	6-19	78	BRIEF of Pltf. in re	esponse to Defts. mot. to strike	Pltfs. suppl.		
	8-8	79	issues or conte	ed that an addl. PT conf. will be entions raised by the parties wil me. Defts. mot. to strike is or	ll be considered		
9700100401000000000000000000000000000000	9-13	MO:	PRETRIAL HRG. set fo	or Mon., 9/24/79 at 2:30 p.m.(FD-	-J)rm-notice		
	9-24	Min:	15 days; deft. 15	HRG.HELD. Pltf. to brief re puni days to respond. Pltf. to prepabe jury. (FD-J)rm (CONTD.)	tive damages in are new PTO in		
1				(CONTD.)			

DC 111A (Rev. 1/75) ELLISON

CIVIL DOCKET CONTINUATION SHEET

		CIVIL	CIVIL DOCKET CONTINUATION SHEET				
PLAINTIF	F		DEFENDANT	DOCKET NO. 76-C-416			
SKYMAF	LVA T	(ATION, INC.	AIR-KARE CORP.	PAGEOFPAGES			
DATE	DATE NR. 979 10-3 MO: JURY TRIAL SET for 10-16 Pltf. advises that fore, no brief w 10-23 80. PRETRIAL CONFERENCE 10-31 81. APPL. of deft. for after order of order order	PROCEEDINGS					
1979							
10-3	MO:	JURY TRIAL SET for !	Mon., 12/3/79 at 9:30 a.m.(FD-J)	rm-notice			
10-16		Pltf. advises that fore, no brief wil	issue of punitive damages droppe ll be filed. rm	ed in PTO; there-			
10-23	80.	PRETRIAL CONFERENCE	ORDER.(FD-J)rm-c/m				
10-31	81.	APPL. of deft. for after order of ct	sanctions against pltf. for fai t. of 8/8/79. rm	lure to ans. inter			
10-31	MO:	ORDERED that pltfs.	. are granted 15 days to respond D-J)rm-letter	to deft. appl.			
11-9			O JUDGE JAMES O. ELLISON. (JCS-C	LK)jc			
11-13		SUPPLEMENTAL ANSWERS to interrog	js. by plntf.cs				
11-14	83	RESPONSE by Pltf. t	to deft's appl. for sanctions. g				
11-19			lie James Preston; 11-2-79, Seat , Court Reporter; pp. 1 - 25.k	tle, Washington;			
11-30	MO:		.c. for sanctions against pltf. set 12-3-79, 9:00 A.M.(JOE-J)b				
12-3 84 PLTFS' REQUESTED. Instructs. b							
12-3	Min.	HRG. on sanctions. Ct. takes matter concluded.(JOE-J	Parties pres. Statements made b r under advisement until evidenc J)b	y both parties. e is in. Hrg			
12-4	Min.	selected & swor presents case i Pltf. rests & d in chief, wit. wit. Parties re & bailiff sworr Ct. orders jury Note from jury (1:35 P.M.) Jur & assessing dam	-4-79. Parties pres. & announce rn. Parties make opening stateme in chief, witnesses sworn & test deft's mot/dismissal denied. Def sworn & testify & rests. Pltf. est. Closing arguments made; Ct n. Jury retires to deliberate at y taken to lunch by USM at govt. foreman fld. I:00 p.m. jury ret ry returns w/verdict finding in mages in amt. of \$15,000.00. Ct. harged. Pltf. to prepare Judgmen	ents. Pltf. ify. Exs. adm. if. pres. case pres rebuttal instructs jury instructs jury instructs instructs instructs jury instructs instr			
12-4		Pltf. trial exhibits	s 1,2 & 3. b				
12-4	85	VERDICT. b					
12-4	86	NOTE from Jury forem	man. b				

(Rev. 1/75)		CIVIL DOCKET CONTINUATION SHEET			
PLAINTIF	F	DEFENDANT		ı	
	•	ZUPUE ELLDUM	DOCKET NO.		
			pageoFpages on for new trial. cs on or before 12-27-79 l. cs. Inderwriters, Inc. & Ir deft. Air-Kare) cs cps/mld. is denied.(JOE-J)b cps (JOE-J)b cps mld c denying deft's mot/new deas bond.k costs.k rm 1289. rm t. completion date 4/14/80) received. rm ugh.rm c/m USCA ings had on December 3 m Circuit. rm rm Cir. rm		
19 7 9 F	NR.	PROCEEDINGS			
12-4	87	INSTRUCTIONS to the Jury. b			
12-14	88	MOTION & brief by deft Air-Kare Corporation for ne	ew trial. cs		
12-14	МО	PLTF. is ordered to file a responsive brief on or be to deft's. Motion for new trial. cps/mld. cs.	pefore 12-27-79		
12-17	89	JUDGMENT that the pltfs National Aviation Underwrit Skymart Aviation inc. have judgment over deft. Corp. in the amount of 15,000.00.(JOE-J) cs cps	Air-Kare		
12-27	90	BRIEF in Response to mot/new trial. b			
1-7	MO:	ORDERED, that Deft's applic. for sanctions is denie mld	ed.(JOE-J)b cps		
2-5	91	ORDER, that deft's mot/new trial is denied.(JOE-J) Entered.k	cps mld		
3-4	92	NOTICE by deft. of appeal from 2-5-80 Order denyin	g deft's mot/new		
3-4		trial.k DOCKETING & filing fees paid. (\$70.00)rm			
3-4	93	APPL. of deft. to the Court to set supersedeas bon	d.k		
3-4	94	OBJECTION of deft. to taxing of costs.k	No of P.		
3-4	95	BRIEF in support of deft's obj. to taxing costs.k	$I = \lambda \sigma^{-2/2}$		
3-11	96	APPELLANT'S designation of record on appeal. rm			
3-12	97	LETTER from 10th Circuit, assigning No. 80-1289. rm			
3-14	98	NOTICE of transcript order by appellant (est. compl rm - c/m	etion date 4/14/80))	
3-21		APPELLEE'S designation of record on appeal received	l. rm		
4-14	99	TRANSCRIPT filing certificate of Glen Dorrough.rm	c/m USCA	- Control of the Cont	
4-14		REPORTER'S TRANSCRIPT of jury trial proceedings had and 4, 1979.(G.R.Dorrough-CR)(pp. 1-195)rm	d on December 3	ANALYSIS OF THE PROPERTY OF TH	
4-14		APPEAL RECORD (5 vols) transmitted to 10th Circuit	. rm		
1-29-82	100	MANDATE & OPINION of 10th Cir., affirming. rm	er man		
3-15-82		- APPEAL RECORD (5 vols) received from 10th Cir. rm			
4-27	101	APPLICATION of pltf to disburse funds. (O to J)jc			
4-29	102	ORDER directing Clk to disburse to the pltf, Skyma Johnston et al the Sum of \$750.00.(HDC-J for			

PLAINTIF		NTINUATION SHEET	DEFENDANT	FPI-MAR
				DOCKET NO. 76-C-
SKYMAR'	r AVI.	ATION, INC., et al	AIR-KARE CORP.etal	PAGE 9 OF 5 PAG
DATE	NR.		PROCEEDINGS	
1982 6-11	103	MOTION of pltf for & forbidding a	jmn't debtor to appear & ans. transfer or other disposition	concern.property of property.(O to
6-15	104	a.m. & ans. as t	n't debtor to appear before MAC to assets forbidding a transfer E-J)jc(c/ptys,USM)	
7-14			of Order to appear & ans. as t dent Air-Kare Corporation, uns	
7-13	MIN	Assets hearing str	icken - service was not obtain	ed. bb
8 - 25	105		nt debtor to appear and ans. re r other disposition of property	
8-25	106	ORDER to appear 8 disposition	& ans as to assets forbidding to of property, on 9-8-82 at 10:0	transfer or other 00 a.m. (JOE-J) cm
3-26	-	RETURN on above or	der. served Air-Kare Corp. 8-2	6-82. nd
9-8	MIN	ASSET HRG stricken	n upon agreement of ptys.(RSR-M	1AG)a
10-19	107	RELEASE & SATISFA	ACTION of judgment.a	
10-28		DEPOSITIONS return	ed to pltf. counsel. hm	
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DATE NR PROCEEDINGS DATE NR PROCEEDINGS	LAINTIFF		DEFENDAN	IT			
DATE NR. PROCEEDINGS						DOCKET NO	
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